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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,450	01/24/2001	Alexander Slood	00995-P0176A	2398

24126 7590 09/03/2003

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EXAMINER

HAWKINS, CHERYL N

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 09/03/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/768,450

Applicant(s)

SLOOT, ALEXANDER

Examiner

Cheryl N Hawkins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 13-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 9-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☒ Interview Summary (PTO-413) Paper No(s). 10.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other:

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: the specification needs to have supplementary information added to provide proper antecedent basis for the limitations of Claim 9.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 4, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Wajs et al. (US 4,364,785). Wajs et al. discloses a method of manufacturing an article (abstract) comprising the steps of juxtaposing a fabric layer (fabric 1) having an outer fabric peripheral edge with a layer of thermoplastic material (PVC sheet 2); cutting the thermoplastic material so that at least a portion thereof overlies the fabric layer and such that its outer edge is spaced outwardly from the outer fabric peripheral edge so that at least a portion thereof extends out beyond the outer fabric peripheral edge so as to not overlie the fabric layer; and simultaneously with cutting sealing the fabric layer to the portion of the layer of thermoplastic material which overlies the fabric layer to form a sealed periphery (Figures 1-7; column 2, line 39 through column 4, line 4).

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As to Claim 2, Wajs et al. discloses a method in which sealing of the fabric layer (fabric 1) to the layer of thermoplastic material (PVC sheet 2) includes of heating sealing (column 2, line 67 through column 3, line 3).

As to Claim 4, Wajs et al. discloses a method in which the layer of thermoplastic material (PVC sheet 2) initially covers the entire fabric layer (Figure 2).

As to Claim 5, Wajs et al. discloses a method in which subsequent to the welding/cutting operation the layer of thermoplastic material is a strip covering only a peripheral region of the fabric layer which includes the fabric peripheral edge (Figures 3-5).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wajs et al. (US 4,364,785) as applied to claim 1 above, and further in view of Kuroda (US 3,758,358). Wajs et al. does not disclose a method in which juxtaposing the fabric layer with the layer of thermoplastic material includes overlaying the fabric layer with another layer of thermoplastic material. Kuroda discloses a method of manufacturing an article which includes a step of juxtaposing a fabric layer with a layer of thermoplastic material, overlying the fabric layer with another layer of thermoplastic material to provide support when using very thin fine fabrics, and sealing the fabric layer to two opposite layers of thermoplastic material (column 2, line 70 through column 3, line 5). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Wajs et al. to include overlaying the fabric layer

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with another layer of thermoplastic material as disclosed by Kuroda to provide a very thin fabric layer with additional support and strength.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wajs et al. (US 4,364,785) as applied to claim 1 above, and further in view of Kuroda (US 3,758,358) and O' Neill et al. (US 6,024,455). Wajs et al. does not disclose a method in which the sealed periphery includes a protective covering layer made of transparent thermoplastic material which also either retroreflects or glows. Kuroda discloses a method in which the sealing periphery includes a covering layer (Figure 6, layer 4) made of transparent thermoplastic material (column 4, lines 5-6). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Wajs et al. to provide a sealed periphery which includes a covering layer made of transparent thermoplastic material as disclosed by Kuroda to provide a protective layer for the article which does not conceal or detract from the design or aesthetic appeal of the article. O' Neill et al. discloses a reflective article (Figure 10, article 10) which includes a covering layer made of transparent material (layer 96) and a layer of thermoplastic material (layer 16) being made from a retroreflective material (column 4, lines 63-67; column 8, lines 1-2). When modifying the article manufacturing method of Wajs et al. to include a transparent thermoplastic material as noted above, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the article manufacturing method of Wajs et al. to produce retroreflective garments, such as that disclosed by O' Neill et al., which are easily detectable at night thereby providing increased safety for consumers.

7. Claims 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wajs et al. (US 4,364,785) as applied to claim 1 above, and further in view of England (US 5,028,294). Wajs et al. does not disclose a method which further includes forming a decorative area spaced from the sealed periphery

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simultaneously with sealing the fabric layer to the layer of thermoplastic material. It is well known and conventional in the article manufacturing art, as disclosed by England (Figure 4, welding ledges 12a, 12b), to form a decorative area spaced from the sealed periphery simultaneously with sealing the fabric layer to the layer of thermoplastic material (column 2, lines 2-19). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Wajs et al. to include forming a decorative area spaced from the sealed periphery simultaneously with sealing the fabric layer to the layer of thermoplastic material to provide the article with desired visual design effects.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wajs et al. (US 4,364,785) and England (US 5,028,294) as applied to claim 7 above, and further in view of Kuroda (US 3,758,358) and O' Neill et al. (US 6,024,455). Wajs et al. does not disclose a method in which the sealed periphery includes a protective covering layer made of transparent thermoplastic material which also either retroreflects or glows. Kuroda discloses a method in which the sealing periphery includes a covering layer (Figure 6, layer 4) made of transparent thermoplastic material (column 4, lines 5-6). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Wajs et al. to provide a sealed periphery which includes a covering layer made of transparent thermoplastic material as disclosed by Kuroda to provide a protective layer for the article which does not conceal or detract from the design or aesthetic appeal of the article. O' Neill et al. discloses a reflective article (Figure 10, article 10) which includes a covering layer made of transparent material (layer 96) and a layer of thermoplastic material (layer 16) being made from a retroreflective material (column 4, lines 63-67; column 8, lines 1-2). When modifying the article manufacturing method of Wajs et al. to include a transparent thermoplastic material as noted above, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the article manufacturing method of Wajs et al. to produce

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retroreflective garments, such as that disclosed by O' Neill et al., which are easily detectable at night thereby providing increased safety for consumers.

Allowable Subject Matter

9. Claims 9-12 are allowed.

10. The following is an examiner's statement of reasons for allowance:

As to Claim 9, the prior art of record to Azulay (US Pub. No. 2002/0079039) discloses a process of manufacturing an article of clothing including the steps of interposing a fabric layer (Figure 5, fabric body 26) with a pre-cut thermoplastic layer (Figure 5, trim 40) such that a peripheral edge of the fabric layer extends within the thermoplastic layer; sealing the overlapped areas of the fabric and thermoplastic layers to each other to form a trimmed article of clothing. The prior art of record to Peterson (US 4,268,338) discloses a die for simultaneously cutting and sealing of thermoplastic layers, which includes at least one sealing area having at least one flat sealing edge and at least one cutting edge which extends over the flat sealing ledge (Figure 1). The prior art of record to Kuroda (US 3,758,358) also discloses a die for simultaneously cutting and sealing of thermoplastic layers, which includes at least one sealing area having at least one flat sealing edge and at least one cutting edge which extends over the flat sealing ledge (Figure 6). The prior art of record does not disclose or provide any motivation for modifying the process of manufacturing an article of clothing as disclosed by Azulay to include forming an outer edge of the thermoplastic layer extending laterally outwardly from the peripheral edge of the fabric layer by applying the die to the thermoplastic layer to cut excess thereof with one cutting edge and simultaneously sealing the overlapped area of the fabric and thermoplastic layers to each other to form a trimmed article of clothing.

Response to Arguments

11. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection. Wajs et al. discloses a method of manufacturing an article comprising the steps of juxtaposing a fabric layer having an outer fabric peripheral edge with a layer of thermoplastic material; cutting the thermoplastic material so that at least a portion thereof overlies the fabric layer and such that its outer edge is spaced outwardly from the outer fabric peripheral edge so that at least a portion thereof extends out beyond the outer fabric peripheral edge so as to not overlie the fabric layer; and simultaneously with cutting sealing the fabric layer to the portion of the layer of thermoplastic material which overlies the fabric layer to form a sealed periphery.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

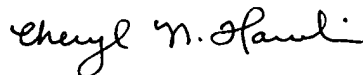
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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl N. Hawkins whose telephone number is (703) 306-0941. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:30 pm.

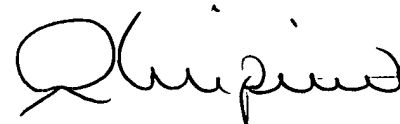
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (703) 308-3853. The fax phone numbers for the organization where the application or proceeding is assigned is (703) 872-9310 for regular communications or (703) 872-9311 for After-Final communications.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703) 308-0661.

Cheryl N. Hawkins



August 25, 2003



RICHARD CRISPINO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700